

REMARKS

Claim Summary

Claims 1-17 and 19-27 are pending. Claim 18 is cancelled and claims 1-16 and 21-27 are withdrawn. Claim 17 is currently amended.

Claim Rejections under 35 USC 102

Claims 17-20 stand rejected under 35 USC 102(e) as being allegedly anticipated by Solem et al. (US 2003/0135267).

To present the rejected claims in better form for consideration on appeal, claim 17 is currently amended to include the limitations of currently canceled claim 18. Claim 17 now partially requires that the expanding step “comprises expanding the distal anchor to anchor within the lumen, applying a proximally directed force on the device, and expanding the proximal anchor while applying the proximally directed force.”

In rejecting previously presented claim 18 (now incorporated into amended claim 17), the Examiner stated that Solem discloses “self expand stents 22 and 23 and the memory metal thread 20 is *pushed out* of the introduction sheath thereby the self-expand stents 22 and 23 expand and contact the inner wall of the coronary sinus 24 (paragraph [0146]), thus, Solem discloses the step of applying a *proximal directed* force on the device and step of expanding the proximal and distal anchor.” (4/21/2008 Office Action, pg. 3; emphasis added).

The Examiner is therefore relying on *pushing* the device in Solem from an introduction sheath to meet the claim 17 limitation of applying a *proximally* directed force on the device. The pushing step as described in Solem, however, applies a *distally* directed force rather than a *proximally* directed force as is required by claim 17. The terms distal (or distally) and proximal (or proximally) are each used consistently throughout Applicants’ specification and have specific meanings.

Nonetheless, the stents 22 and 23 in Solem are not expanded while a proximally or a distally directed force is being applied to the device. The stents in Solem are only expanded *after* the device is pushed from the introduction sheath and *after* their exact positioning is obtained (see Solem, [0146], lines 4-14). Solem, therefore, describes expanding the stents *after* a *distally* directed force is applied to the device. For at least these reasons, Solem does not describe each and every limitation in currently amended claim 17. Solem therefore does not

anticipate claim 17. Claims 19 and 20 depend from claim 17 and are patentable over Solem for at least the same reasons as claim 17. Claim 18 is canceled and thus the rejection to claim 18 is moot.

Double Patenting Rejection

Claim 17 stands rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 15 of U.S. Patent No. 6,908,478 ("478").

Claim 17 is currently amended to include the limitations of currently canceled claim 18 and thus the double patenting rejection to claim 17 is now moot.

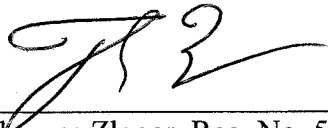
CONCLUSION

Applicants request reconsideration and allowance of all claims pending in this application. If a telephone conference would expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

Date: October 2, 2008

By:



Thomas Zlogar, Reg. No. 55,760

SHAY GLENN LLP
2755 Campus Drive, Suite 210
San Mateo, CA 94403
Telephone: 650.212.1700
Facsimile: 650.212.7562